

REMARKS/ARGUMENTS

Claims 1-20 and 23-34 are pending in this application. By this Amendment, the drawings and claims 1, 14, 23 and 29 are amended for clarification purposes only, in response to the Examiner's comments. No new matter is added. Thus, it is respectfully submitted that these amendments do not raise new issues requiring further search and/or consideration. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration and withdrawal of the objections and rejections in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

I. Drawings

The Office Action objects to the drawings under 37 CFR 1.83(a), alleging that the features "receiving a packet service interruption request from a mobile station," and "a receiver which receives a packet service interruption request from a mobile station," as recited in independent claims 1 and 14, respectively, are not shown in the drawings. As set forth in the

Serial No. 10/628,402
Amendment dated June 15, 2006
Reply to Office Action of April 10, 2006

Docket No. K-0527

Amendment filed November 14, 2005 and as discussed with Supervisor Seema Rao on May 12, 2006, Applicant respectfully disagrees with this assertion. However, merely to expedite prosecution of the application, Claims 1 and 14 have been amended in response to the Examiner's comments. Accordingly, it is respectfully submitted that the drawings meet the requirements of 37 CFR 1.83(a), and thus this objection should be withdrawn.

The Office Action objects to Figure 3, alleging that the steps shown in Figure 3 are not numbered correctly. Applicant respectfully disagrees with this assertion. However, merely to expedite prosecution of the application, Figures 2 and 3 have been amended in response to the Examiner's comments. More specifically, Figure 2 has been amended to delete the numerals 1., 2., 3., and 4. which precede the text related to steps (S201), (S202), (S203) and (S204), respectively. Likewise, Figure 3 has been amended to delete the 1., 2., 3., 4., and 5. which precede the text related to steps (S301), (S302), (S303), (S304), and (S305), respectively. It is respectfully submitted that these amendments clarify any confusion and/or obviate the readability problems referred to in the Office Action. Accordingly, it is respectfully requested that this objection be withdrawn.

II. Other Informalities

Applicant acknowledges that the correct priority date associated with the present application is September 12, 2002, and not September 12, 2005, and that claims 21-22 are

Serial No. 10/628,402
Amendment dated June 15, 2006
Reply to Office Action of April 10, 2006

Docket No. K-0527

cancelled, and not claims 20-21, as erroneously indicated in the Amendment filed November 14, 2005. Applicant apologizes for any inconvenience these typographical errors may have caused.

III. Information Disclosure Statement (IDS) filed April 2, 2005

The Office Action indicates that Korean Patent Application No. 2003-0068415 (hereinafter "KR '415"), submitted for consideration by the Examiner in the IDS filed April 2, 2005, was not considered because it was not filed with an English translation. The PTO-1449 forwarded with the Office Action is marked "Not Considered" across both KR '415 and the corresponding Office Action citing KR '415. As discussed with Supervisor Seema Rao on May 15, 2006, Applicant respectfully requests that the Examiner reconsider this position.

More specifically, MPEP 609 III A(3) states:

"[E]ach information disclosure statement must further include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information listed that is not in the English language. [S]ubmission of an English language abstract of a reference may fulfill the requirement for a concise explanation."

It is noted that the IDS filed April 2, 2005 submitted an English language abstract for KR '415, and thus should be appropriately entered and considered by the Examiner, and the submission afforded its original April 2, 2005 filing/disclosure date. It is further noted that the Korean Office Action citing KR '415 was provided merely as a courtesy, and to certify that KR '415 was cited in a foreign office action within three months of the filing of the IDS. Thus, it is

respectfully submitted that an English language translation of the Korean Office Action is not necessary.

IV. Allowable Subject Matter

The Examiner is thanked for the indication that claims 5-12, 16-20, 24, 25, 27, 28, 30, 31, 33 and 34 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, for the reasons set forth below, claims 5-12, 16-20, 24, 25, 27, 28, 30, 31, 33 and 34 have not been rewritten in independent form at this time.

V. Bergenlid et al.

The Office Action asserts, in the Response to Arguments (beginning on page 9, item 13 in the Office Action) that the Bergenlid publication is properly applied in the rejections set forth in the Office Action. As discussed with Supervisor Seema Rao on May 12, 2006, Applicant respectfully disagrees. As stated in the Office Action:

“[a] publication and patent of a 35 U.S.C. 111(a) application, which claims priority under 35 U.S.C. 119(e) to a prior U.S. provisional application or claims the benefit under 35 U.S.C. 120 of a prior nonprovisional application, would be accorded the earlier filing date as its prior art date under 35 U.S.C. 102(e), **assuming the earlier-filed application has proper support for the subject matter as required by 35 U.S.C. 119(e) or 120.**” (emphasis added)

Accordingly, it is respectfully submitted that only the subject matter in the Bergenlid publication which is supported by the Bergenlid provisional application may be properly applied

in a rejection of the present application. To ensure that only the subject matter supported by the Bergenlid provisional application is applied during examination of the present application, it is respectfully submitted that only the Bergenlid provisional application, and **not** the Bergenlid publication, should be referred to. A copy of the Bergenlid provisional application is provided herewith, for the Examiner's convenience.

VI. Rejection Under 35 U.S.C. §102(e)

The Office Action rejects claims 2-3 and 15 under 35 U.S.C. §102(e) over Bergenlid et al., U.S. Patent Publication No. 2003/0156578 (hereinafter "Bergenlid"). The rejection is respectfully traversed.

As set forth above, only the subject matter supported by the Bergenlid provisional application may be properly applied in a rejection of the present application. Thus, for purposes of this reply, the Bergenlid provisional application and the subject matter disclosed therein is discussed with respect to the applicable rejections.

Independent claim 2 recites transmitting a Preserve PDP Context Request message corresponding to a service interruption message, releasing the radio bearer assigned to the mobile station, and transmitting a Preserve PDP Context Accept message to the mobile station. Independent claim 15 recites a receiver which receives a Preserve PDP Context Request message corresponding to a service interruption session, and a controller which transmits a Preserve PDP

Context Accept message to the mobile station. The Bergenlid provisional application neither discloses nor suggests such features.

The Bergenlid provisional application discloses a system for packet based service in a multimedia system. More specifically, in Section 4, the Bergenlid provisional application discloses a system in which a UE1 re-establishes an RAB and sends an INVITE message to a UE2. As the UE2 does not have an active PDP context, the UE2 must re-establish the RAB in order to receive the INVITE message and respond with a progress indication. The UE1 then sends information to the UE2, requesting resources as required to maintain the flow of information. An interactive RAB may also be invoked to maintain multiple channels of data flow available. However, the Bergenlid provisional application is simply directed at initial setup of a radio bearer, and thus neither discloses nor suggests that any type of Preserve PDP Context Request message is sent which corresponds to a service interruption session, as recited in independent claim 2, nor a receiver which receives such a message and a controller which acts on such a message, as recited in independent claim 15.

Accordingly, it is respectfully submitted that independent claims 2 and 15 are not anticipated by the Bergenlid provisional application, and thus the rejection of independent claims 2 and 15 under 35 U.S.C. §102(e) over the Bergenlid provisional application should be withdrawn. Dependent claim 3 is allowable at least for the reasons set forth above with respect to independent claim 2, from which it depends, as well as for its added features.

VII. Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 1, 14, 23, 26, 29 and 32 under 35 U.S.C. §103(a) over Bergenlid in view of Nounin et al., U.S. Patent Publication No. 2004/0224719 (hereinafter “Nounin”). The rejection is respectfully traversed.

Independent claim 1 recites releasing the radio bearer assigned between the mobile station and a UTRAN while maintaining a PDP Context message in the mobile station. Independent claim 14 recites a controller which releases a radio bearer assigned to the mobile station while a PDP context message is maintained in the mobile station. As set forth above, the Bergenlid provisional application neither discloses nor suggests such features. That is, the Bergenlid provisional application is simply directed at initial setup of a radio bearer, and thus neither discloses nor suggests that any type of PDP context message is maintained one a radio bearer is released. Further, Nounin is merely cited as allegedly teaching receiving a packet service interruption request, and thus fails to overcome the deficiencies of the Bergenlid provisional application.

Accordingly, it is respectfully submitted that independent claims 1 and 14 are allowable over the applied combination, and thus the rejection of independent claims 1 and 14 under 35 U.S.C. §103(a) over the Bergenlid provisional application in view of Nounin should be withdrawn. Dependent claims 23, 26, 29 and 32 are allowable at least for the reasons set forth

above with respect to independent claims 1 and 14, from which they respectively depend, as well as for their added features.

The Office Action rejects claim 4 under 35 U.S.C. §103(a) over Bergenlid in view of Kuo et al., U.S. Patent Publication No. 2004/0203778 (hereinafter “Kuo”). The rejection is respectfully traversed.

Dependent claim 4 is allowable over the Bergenlid provisional application at least for the reasons set forth above with respect to independent claim 2, from which it depends, as well as for its added features. Further, Kuo is merely cited as allegedly teaching transmitting a response message for radio bearer release, and thus fails to overcome the deficiencies of the Bergenlid provisional application. Accordingly, it is respectfully submitted that dependent claim 4 is allowable over the applied combination, and thus the rejection of claim 4 under 35 U.S.C. §103(a) over the Bergenlid provisional application and Kuo should be withdrawn.

The Office Action rejects claim 13 under 35 U.S.C. §103(a) over Bergenlid in view of Cuny et al., U.S. Patent Publication No. 2004/0064555 (hereinafter “Cuny”). The rejection is respectfully traversed.

Dependent claim 13 is allowable over the Bergenlid provisional application at least for the reasons set forth above with respect to independent claim 2, from which it depends, as well as for its added features. Further, Cuny fails to overcome the deficiencies of the Bergenlid provisional application.

Serial No. **10/628,402**
Amendment dated June 15, 2006
Reply to Office Action of April 10, 2006

Docket No. **K-0527**

More specifically, as set forth above, the present application was filed on July 29, 2003, claiming priority to Korean Patent Application No. 2002-55404 filed in Korea on September 12, 2002. It is respectfully submitted that the September 12, 2002 priority date of the present application clearly precedes the September 27, 2002 filing date of the Cuny reference, and thus Cuny is not a proper reference under 35 U.S.C. §102(e), and cannot be properly applied as prior art in a rejection of the present application.

Accordingly, it is respectfully submitted that claim 13 is allowable over the applied combination, and thus the rejection of claim 13 under 35 U.S.C. §103(a) over the Bergenlid provisional application in view of Cuny should be withdrawn.

VIII. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **JOANNA K. MASON**, at the telephone number listed below.

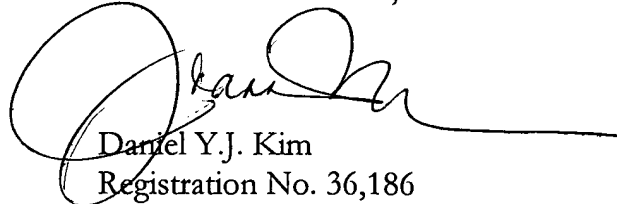
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

Serial No. **10/628,402**
Amendment dated June 15, 2006
Reply to Office Action of April 10, 2006

Docket No. **K-0527**

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and
please credit any excess fees to such deposit account.

Respectfully submitted,
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Attachment: Bergenlid Provisional Application

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Date: June 15, 2006
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Please direct all correspondence to Customer Number 34610

Serial No. 10/628,402

Docket No. K-0527

Amendment dated June 15, 2006

Reply to Office Action of April 10, 2006

Amendments to the Drawings:

The attached drawings include changes to Figs. 2 and 3. These sheets, which include Figs. 1-3, replace the original sheets including Figs. 1-3. Fig. 2 has been amended to delete the numerals 1., 2., 3., and 4. which precede the text related to steps (S201), (S202), (S203) and (S204), respectively. Figure 3 has been amended to delete the 1., 2., 3., 4., and 5. which precede the text related to steps (S301), (S302), (S303), and (S305), respectively.

Attachment: Replacement Sheets (2)
Annotated Sheet Showing Changes (2)